IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4867 OF 2005

Vijay Tanaji Shid & Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.A.P.Mundargi with Mr.Indrajeet Joshi for the Applicants
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 16,2005

P.C.:

1. Heard learned Counsel for the Applicants and the learned A.P.P. for State. The offence registered against the Applicants is under Sections 302,324,504,506 read with Section 34 of I.P.C.

2. The F.I.R. filed by the brother of the deceased Vijaykumar discloses that on a day earlier to the date of the incident, there was a dispute between the first informant and the Applicant No.1. The F.I.R. itself states that on the next day father of the first informant visited the locality where the Applicant No.1 was residing and enquired about the whereabouts of the Applicant No.1. According to the first informant, the Applicant No.2 assaulted his deceased brother by a stick on the head and the Applicant No.1 assaulted his father Anandrao on his nose by a sickle. However, the father of the first informant Anandrao who is also injured has stated in his statement that it is the Applicant No.1 who assaulted the deceased by a stick and the Applicant No.1 assaulted him

on his nose by a stick. Same is the version of some other eye witnesses viz. Dhanaji and Satish. The witnesses have disclosed that even the Applicant No.2 was injured. Prima facie, in view of the inconsistent stand taken by the first informant and his father both of whom claim to be Eye witnesses, the prosecution story becomes doubtful. In any case, there appears to be a prior dispute between the first informant and the Applicant No.1. Whether the Applicant No.1 made a fatal assault on the deceased or whether the assault was made by the Applicant No.2 seems to be the question involved and version of the first informant and other witnesses appears to be contradictory.

3. The Applicants have been arrested on 27th March 2005. Investigation is already completed and the charge sheet has been filed. No criminal antecedents are brought on record. Considering what is stated above, case is made out for grant of bail.

4. Hence I pass the following order :

i) The Applicants shall be enlarged on bail in connection with C.R.No.17 of 2005 registered with Kasegaon Police Station, District Sangli subject to furnishing a personal bond of Rs.15,000/- (Rupees fifteen thousand only) each with one or two sureties each in the like amount.

ii) The bail is granted subject to the condition that the Applicants shall report to the concerned Police Station once in a week till the conclusion of the trial.

ii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iii) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE